ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ	1329
ಸದಸ್ಯರ ಹೆಸರು	ಶ್ರೀ ಪುಟ್ಟಣ್ಣ (ಶಿಕ್ಷಕರ ಕ್ಷೇತ್ರ)
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ	21-12-2018
ಉತ್ತರಿಸುವ ಸಚಿವರು	ನಗರಾಭಿವೃದ್ಧಿ ಮತ್ತು ವಸತಿ ಸಚಿವರು

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	ರಾಜ್ಯದಲ್ಲಿ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರವನ್ನು ಯಾವಾಗ ಪ್ರಾರಂಭಿಸಲಾಯಿತು; (ವಿವರ ನೀಡುವುದು)	ಭಾರತ ಸರ್ಕಾರವು ರಿಯಲ್ ಎಸ್ಟೇಟ್ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 2016 ಅನ್ನು ದಿನಾಂಕ 26/3/2016 ರಿಂದ ಜಾರಿಗೆ ತಂದಿರುತ್ತದೆ. ಅದಕ್ಕನುಸಾರವಾಗಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ರಾಜ್ಯದಲ್ಲಿ ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ನಿಯಮಗಳು, 2017 ಅನ್ನು ದಿನಾಂಕ 11/07/2017ರಂದು ಜಾರಿಗೆ ತಂದಿರುತ್ತದೆ. ಈ ನಿಟ್ಟಿನಲ್ಲಿ ದಿನಾಂಕ 14/7/2017ರಂದು ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಮಧ್ಯಂತರ ಪ್ರಾಧಿಕಾರವನ್ನು ಸ್ಥಾಪಿಸಲಾಗಿದೆ. ಶಾಶ್ವತ ಪ್ರಾಧಿಕಾರವನ್ನು ರಚಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದ್ದು, ನಿಯಮಾನುಸಾರ ಮಾನ್ಯ ಮುಖ್ಯ ನ್ಯಾಯಮೂರ್ತಿಗಳು, ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಇವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ದಿನಾಂಕ 5/11/2018ರಂದು ಆಯ್ಕೆ ಸಮಿತಿ ರಚಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗದೆ. ಅರ್ಹ ವ್ಯಕ್ತಿಗಳಿಂದ ಅರ್ಜಿಗಳನ್ನು ಆಹ್ವಾನಿಸಿ ಪ್ರಕಟಣೆ ನೀಡಲಾಗಿದ್ದು, ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ದಿನಾಂಕ 15/12/2018ರವರೆಗೆ ಕಾಲಾವಕಾಶ ನೀಡಲಾಗಿದೆ.
ಆ)	ಈ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರದ ಬಡಾವಣೆ ಅನುಮತಿಗಾಗಿ ರೂಪಿಸಿರುವ ನಿಯಮಗಳೇನು; (ವಿವರ ನೀಡುವುದು);	ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಮಧ್ಯಂತರ ಪ್ರಾಧಿಕಾರವು ಬಡಾವಣೆಗೆ ಅನುಮತಿ ನೀಡುವುದಿಲ್ಲ. ರಿಯಲ್ ಎಸ್ಟೇಟ್ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಕಾಯ್ದೆ, 2016ರ ಕಲಂ 3(1)ರ ಪ್ರಕಾರ "No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
		project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act. ರಿಯಲ್ ಎಸ್ಟೇಟ್ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 2016 ಜಾರಿಗೆ ಬಂದ ದಿನಾಂಕ 1/7/2017ರ ನಂತರ ಯಾವುದೇ ಯೋಜನೆಯಲ್ಲಿ ನಿವೇಶನಗಳು /ವಸತಿ ಘಟಕಗಳನ್ನು ಮಾರಾಟ ಮಾಡುವ ಮುನ್ನ ಸಂಬಂಧಪಟ್ಟ ವಸತಿ ಯೋಜನೆಯನ್ನು ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ನೋಂದಣಿ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಯೋಜನೆಗಳ ನೋಂದಣಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಯಮಗಳನ್ನು ನಿಗಧಿಪಡಿಸಿರುವ ರಿಯಲ್ ಎಸ್ಟೇಟ್ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 2016ರ ಅಧ್ಯಾಯ-2 ಮತ್ತು ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ನಿಯಮಗಳು, 2017ರ ಅಧ್ಯಾಯ-2 ರ ಉಧೃತ ಭಾಗವನ್ನು ಕ್ರಮವಾಗಿ ಅನುಬಂಧ-1 ಮತ್ತು ಅನುಬಂಧ-2ರಲ್ಲಿ ನೀಡಿದೆ.
ಇ)	ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಇದುವರೆಗೆ ಎಷ್ಟು ಖಾಸಗಿ ಬಡಾವಣೆಗಳವರು ಅನುಮತಿಗಾಗಿ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಿದ್ದಾರೆ; ಎಷ್ಟು ಬಡಾವಣೆಗೆ ಅನುಮತಿ ನೀಡಲಾಗಿದೆ; (ಸಂಪೂರ್ಣ ವಿವರ ನೀಡುವುದು)	ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಇದುವರೆವಿಗೆ ನೋಂದಣಿಗಾಗಿ 557 ಖಾಸಗಿ ಬಡಾವಣೆಗಳವರು ಕೋರಿಕೆ ಸಲ್ಲಿಸಿದ್ದು, ಆ ಪೈಕಿ 373 ಬಡಾವಣೆಗಳಿಗೆ ನೋಂದಣಿಯನ್ನು ನೀಡಲಾಗಿದೆ.
ಈ)	ರಾಜ್ಯದಲ್ಲಿರುವ ರೇರಾ ಕಛೇರಿಯಲ್ಲಿ ಸರಿಯಾದ ಮಾಹಿತಿ ನೀಡದೆ ವಿನಾಕಾರಣ ತೊಂದರೆ ನೀಡುತ್ತಾ ಅನುಮತಿ ನೀಡದೆ ವಿಳಂಬ ಧೋರಣೆ	ನೋಂದಣಿ ಮಾಡಿಕೊಳ್ಳುವ ಸಲುವಾಗಿ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಯೋಜನೆಯ ಪ್ರವರ್ತಕನು ಪ್ರತಿ ಯೋಜನೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಂಪೂರ್ಣ ಮಾಹಿತಿ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕಾಗುತ್ತದೆ. ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಪ್ರವರ್ತಕರು ಯೋಜನೆಗಳಿಗೆ

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
	ಅನುಸರಿಸುತ್ತಿರುವುದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ;	ಸಂಬಂಧಿಸಿದಂತೆ ನೋಂದಣಿ ಕೋರಿಕೆಗಳನ್ನು ಸಲ್ಲಿಸುವಾಗ ಹಲವಾರು ಪ್ರಕರಣಗಳಲ್ಲಿ ಸಂಪೂರ್ಣ ಮಾಹಿತಿ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸದಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಪ್ರವರ್ತಕರಿಗೆ ನೋಟೀಸ್ ನೀಡುವ ಮೂಲಕ ಸಂಪೂರ್ಣ ಮಾಹಿತಿ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಲು ಅವಕಾಶ ನೀಡಲಾಗುತ್ತಿದ್ದು ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಪ್ರವರ್ತಕರು ನೋಂದಣಿ ಪಡೆದುಕೊಳ್ಳುವಲ್ಲಿ ವಿಳಂಬವಾಗುತ್ತಿದೆ. ಹಲವು ಪ್ರಕರಣಗಳಲ್ಲಿ ಪ್ರವರ್ತಕರು ಸಂಪೂರ್ಣ ಮಾಹಿತಿ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸದಿರುವುದರಿಂದ ವಿಳಂಬವಾಗುತ್ತಿದೆ. ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಪ್ರಾಧಿಕಾರವು www.rera.karnataka. gov.in ಅಂತರ್ಜಾಲದ ವೆಬ್ ಪೋರ್ಟಲ್ ಮೂಲಕ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದೆ. ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಯೋಜನೆಗಳು, ಏಜೆಂಟರುಗಳು ಮತ್ತು ದೂರುಗಳನ್ನು ವೆಬ್ ಪೋರ್ಟಲ್ ಮೂಲಕವೇ ದಾಖಲಿಸಬೇಕಾಗುತ್ತದೆ. ಹಾಗೂ ಶುಲ್ಕವನ್ನು ಅಂತರ್ಜಾಲದ ಮೂಲಕ ಪಾವತಿಸಬೇಕಾಗುತ್ತದೆ. ಹಾಗೂ ಸಾರ್ವಜನಿಕರ, ಪ್ರವರ್ತಕರ ಮತ್ತು ಏಜೆಂಟರುಗಳ ಅನುಕೂಲಕ್ಕಾಗಿ ಹೆಲ್ಪ್ ಡೆಸ್ಕ್ ಸಹ ಸ್ಥಾಪಿಸಲಾಗಿದೆ. ರೇರಾ ಪ್ರಾಧಿಕಾರದ ಕಾರ್ಯಚಟುವಟಿಕೆಗಳ ಕುರಿತು, ನೋಂದಣಿಯಾಗಿರುವ, ನೋಂದಣಿ ತಿರಸ್ಕರಿಸಲ್ಪಟ್ಟಿರುವ ಹಾಗೂ ವಿಚಾರಣೆ ಬಾಕಿ ಇರುವ ಯೋಜನೆಗಳ / ಏಜೆಂಟರುಗಳ ವಿವರಗಳು ರೇರಾ ಪ್ರಾಧಿಕಾರದ ವೆಬ್ ಪೋರ್ಟಲ್‌ನಲ್ಲಿ ಸದಾ ಕಾಲ ಲಭ್ಯವಿರುತ್ತದೆ. ಇದರಿಂದಾಗಿ ಸಾರ್ವಜನಿಕರು ಎಲ್ಲಾ ಸಮಯದಲ್ಲಿಯೂ ಮಾಹಿತಿ ಪಡೆದುಕೊಳ್ಳಬಹುದಾಗಿದೆ. ಯಾವುದೇ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಪ್ರವರ್ತಕರಿಗೆ ಅನುಮತಿ ನೀಡುವ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರವು ಅನಗತ್ಯ ವಿಳಂಬ ಮಾಡುತ್ತಿರುವುದಿಲ್ಲ.

ಕ್ರ.ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಉ)	ರೇರಾ ಕಛೇರಿಯಲ್ಲಿ ಆಗುತ್ತಿರುವ ಸಮಸ್ಯೆಗಳನ್ನು ಪರಿಹರಿಸಲು ಸರ್ಕಾರದ ಕ್ರಮವೇನು? (ವಿವರ ನೀಡುವುದು)	ರೇರಾ ಕಚೇರಿಯಲ್ಲಿ ಪ್ರಸ್ತುತ ಸಿಬ್ಬಂದಿ ಕೊರತೆ ಹೊರತುಪಡಿಸಿ ಬೇರೆ ಸಮಸ್ಯೆಗಳು ಇರುವುದಿಲ್ಲ. ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರದ ಕಚೇರಿಗೆ ಇದುವರೆಗೆ 42 ಹುದ್ದೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಿ ದಿನಾಂಕ 24/07/2017ರಂದು ಸರ್ಕಾರದ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ. ನಂತರ ರೇರಾ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಕೆಲಸದ ಒತ್ತಡ ಹೆಚ್ಚಾಗಿರುವುದು ಕಂಡುಬಂದಿರುವುದರಿಂದ ಹೆಚ್ಚುವರಿ ಹುದ್ದೆಗಳ ಮಂಜೂರಾತಿಗಾಗಿ ಪ್ರಾಧಿಕಾರದಿಂದ ಪ್ರಸ್ತಾವನೆ ಸ್ವೀಕರಿಸಲಾಗಿದ್ದು, ಮಂಜೂರಾತಿ ಕೋರಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಆರ್ಥಿಕ ಇಲಾಖೆಗೆ ಕಳುಹಿಸಿದೆ. ಈ ಬಗ್ಗೆ ಕ್ರಮ ವಹಿಸಲಾಗುವುದು. ಅಲ್ಲದೆ, ಶಾಶ್ವತ ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ ಮತ್ತು ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರವನ್ನು ರಚಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದ್ದು, ನಿಯಮಾನುಸಾರ ಮಾನ್ಯ ಮುಖ್ಯ ನ್ಯಾಯಮೂರ್ತಿಗಳು, ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಇವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ದಿನಾಂಕ 5/11/2018ರಂದು ಆಯ್ಕೆ ಸಮಿತಿ ರಚಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ. ಅರ್ಹ ವ್ಯಕ್ತಿಗಳಿಂದ ಅರ್ಜಿಗಳನ್ನು ಆಹ್ವಾನಿಸಿ ಪ್ರಕಟಣೆ ನೀಡಲಾಗಿದ್ದು, ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ದಿನಾಂಕ 15/12/2018ರವರೆಗೆ ಕಾಲಾವಕಾಶ ನೀಡಲಾಗಿದೆ.

ಸಂಖ್ಯೆ: ವಇ 103 ರೇರಾ 2018

(ಯು.ಟಿ. ಖಾದರ್)
ನಗರಾಭಿವೃದ್ಧಿ ಮತ್ತು ವಸತಿ ಸಚಿವರು

ವಿಧಾನ ಪರಿಷತ್ತಿನ ಸದಸ್ಯರಾದ ಶ್ರೀ ಪುಟ್ಟಣ್ಣ, (ಶಿಕ್ಷಕರ ಕ್ಷೇತ್ರ) ಇವರ ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ 1329ರ ಉತ್ತರಕ್ಕೆ ಅನುಬಂಧ-1

CHAPTER II

REGISTRATION OF REAL ESTATE PROJECT AND REGISTRATION OF REAL ESTATE AGENTS

Prior registration of real estate project with Real Estate Regulatory Authority.

3. (*1*) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (*1*), no registration of the real estate project shall be required—

(*a*) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

(*b*) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;

(*c*) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.

Explanation.—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.

Application for registration of real estate projects.

4. (*1*) Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be specified by the regulations made by the Authority.

(*2*) The promoter shall enclose the following documents along with the application referred to in sub-section (*1*), namely:—

(*a*) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority), and the particulars of registration, and the names and photographs of the promoter;

(*b*) a brief detail of the projects launched by him, in the past five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending;

(c) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;

(d) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;

(e) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;

(f) the location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;

(g) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;

(h) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas apartment with the apartment, if any;

(i) the number and areas of garage for sale in the project;

(j) the names and addresses of his real estate agents, if any, for the proposed project;

(k) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;

(l) a declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter, stating:—

(A) that he has a legal title to the land on which the development is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;

(B) that the land is free from all encumbrances, or as the case may be details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;

(C) the time period within which he undertakes to complete the project or phase thereof, as the case may be;

(D) that seventy per cent. of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose:

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project:

Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:

Provided also that the promoter shall get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such

chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

Explanation.— For the purpose of this clause, the term "schedule bank" means a bank included in the Second Schduled to the Reserve Bank of India Act, 1934; 2 of 1934.

(*E*) that he shall take all the pending approvals on time, from the competent authorities;

(*F*) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and

(*m*) such other information and documents as may be prescribed.

(*3*) The Authority shall operationalise a web based online system for submitting applications for registration of projects within a period of one year from the date of its establishment.

Grant of registration.

5. (*1*) On recipt of the application under sub-section (*1*) of section 4, the Authority shall within a period of thirty days.

(*a*) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or

(*b*) reject the application for reasons to be recorded in writing.if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (*1*), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said period of thirty days specified under sub-section (*1*), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.

(*3*) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (*C*) of clause (*1*) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.

Extension of registration.

6. The registration granted under section 5 may be extended by the Authority on an application made by the promoter due to *force majeure*, in such form and on payment of such fee as may be specified by regulations made by the Authority:

Provided that the Authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Explanation.— For the purpose of this section, the expression "*force majeure*" shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project.

Revocation of registration.

7. (*1*) The Authority may, on receipt of a complaint or *suo motu* in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that—

(*a*) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;

(*b*) the promoter violates any of the terms or conditions of the approval given by the competent authority;

(*c*) the promoter is involved in any kind of unfair practice or irregularities.

Explanation.—For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:—

(*A*) the practice of making any statement, whether in writing or by visible representation which,—

(*i*) falsely represents that the services are of a particular standard or grade;

(*ii*) represents that the promoter has approval or affiliation which such promoter does not have;

(*iii*) makes a false or misleading representation concerning the services;

(*B*) the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;

(*d*) the promoter indulges in any fraudulent practices.

(*2*) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the registraton, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.

(*3*) The Authority may, instead of revoking the registration under sub-section (*1*), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter.

(*4*) The Authority, upon the revocation of the registration,—

(*a*) shall debar the promoter from accessing its website in relation to that project and specify his name in the list of defaulters and display his photograph on its website and also inform the other Real Estate Regulatory Authority in other States and Union territories about such revocation or registration;

(*b*) shall facilitate the remaining development works to be carried out in accordance with the provisions of section 8;

(*c*) shall direct the bank holding the project back account, specified under sub-clause (*D*) of clause (*l*) of sub-section (*2*) of section 4, to freeze the account, and thereafter take such further necessary actions, including consequent de-freezing of the said account, towards facilitating the remaining development works in accordance with the provisions of section 8;

(*d*) may, to protect the interest of allottees or in the public interest, issue such directions as it may deem necessary.

Obligation of Authority consequent upon lapse of or on revocation of registration.

8. Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority:

Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act:

Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works.

Registration of real estate agents.

9. (*1*) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section.

(*2*) Every real estate agent shall make an application to the Authority for registration in such form, manner, within such time and accompanied by such fee and documents as may be prescribed.

(*3*) The Authority shall, within such period, in such manner and upon satisfying itself of the fulfillment of such conditions, as may be prescribed—

(*a*) grant a single registration to the real estate agent for the entire State of Union territory, as the case may be;

(*b*) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of the Act or the rules or regulations made thereunder:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(*4*) Whereon the completion of the period specified under sub-section (*3*), if the applicant does not receive any communication about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.

(*5*) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act.

(*6*) Every registration shall be valid for such period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.

(*7*) Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder, or where the Authority is satisified that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:

Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of being heard has been given to the real estate agent.

Functions of real estate agents.

10. Every real estate agent registered under section 9 shall—

(*a*) not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority;

(*b*) maintain and preserve such books of account, records and documents as may prescribed;

(*c*) not involve himself in any unfair trade practices, namely:—

(*i*) the practice of making any statement, whether orally or in writing or by visible representation which—

(*A*) falsely represents that the services are of a particular standard or grade;

(*B*) represents that the promoter or himself has approval or affiliation which such promoter or himself does not have;

(*C*) makes a false or misleading representation concerning the services;

(*ii*) permitting the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered.

(*d*) facilitate the possession of all the information and documents, as the allottee, is entitled to, at the time of booking of any plot, apartment or building, as the case may be;

(*e*) discharge such other functions as may be prescribed.

CHAPTER III

FUNCTIONS AND DUTIES OF PROMOTER

Functions and duties of promoter.

11. (*1*) The promoter shall, upon receiving his Login Id and password under clause (*a*) of sub-section (*1*) or under sub-section (*2*) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (*2*) of section 4, in all the fields as provided, for public viewing, including—

(*a*) details of the registration granted by the Authority;

(*b*) quarterly up-to-date the list of number and types of apartments or plots, as the case may be, booked;

(*c*) quarterly up-to-date the list of number of garages booked;

(*d*) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;

(*e*) quarterly up-to-date status of the project; and

(*f*) such other information and documents as may be specified by the regulations made by the Authority.

(*2*) The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto.

(*3*) The promoter at the time of the booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely:—

(*a*) sanctioned plans, layout plans, along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the Authority;

(*b*) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.

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3. Information and documents to be furnished by the promoter for registration of project.- (1) The promoter shall furnish the following additional information and documents, along with those specified in sub-section (2) of Section 4 of the Act for registration of the real estate project with the regulatory authority namely:-

(a) self attested copy of the PAN card of the promoter;

(b) annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditors report of the promoter for the immediately preceding three financial years; and where annual report is not available, the audited profit and lost account, balance sheet, cash flow statement and the auditor report of the promoter for the immediately preceding three financial years;

(c) the number of parking slots available in the said real estate project;

(d) authenticated copy of the legal title deed reflecting the title of the promoter to the land on which development of project is proposed along with legally valid documents for chain of the title.

(e) the details of encumbrances on the land for which permission given under section 109 of the Karnataka Land Reforms Act, 1961 if applicable, the Certified copy of the conversion order under section 95 of the Karnataka Land Revenue Act, 1964 and permission of change in land use granted under section 14 of the Karnataka Town and Country Planning Act, 1961, if applicable on which development is proposed including any rights, title, interest or name of any party in or over such land along with details;

(f) where the promoter is not the owner of the land on which development is proposed details of the consent of the owner of the land along with self attested the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land proposed to be developed; and

(g) name, photograph, contact details and address of the promoter if it is an individual and the name, photograph, contact details and address of the chairman, partners, directors, as the case may be, and the authorised person in case of other entities.

(2) An application to the Authority for registration of the real estate project shall be made in writing in Form 'A', in triplicate, until the procedure is made web based for filing of such application.

(3) The promoter shall pay a registration fee at the time of application for registration by way of a demand draft or a bankers cheque drawn on any scheduled bank or a Co-operative Bank or through online payment mode, as the case may be, for a sum calculated at the rate of,-

(a) in case of group housing project,- five rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or rupees ten per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than five lakhs rupees;

(b) in case of mixed development (residential and commercial) project,- ten rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or fifteen rupees per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than seven lakhs rupees;

(c) in case of commercial projects,- twenty rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or twenty five rupees per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than ten lakhs rupees; and

(d) in case of plotted development projects,- five rupees per square meter, but shall not be more than two lakhs rupees.

(4) The declaration to be submitted under clause (l) of sub-section (2) of section 4, shall be in Form-B, which shall include a declaration stating that the promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or a building, as the case may be.

(5) In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of thirty days specified under sub-section (1) of section 5, registration fee to the extent of ten percent paid under sub-rule (3), or rupees fifty thousand whichever is more,

shall be retained as processing fee by the regulatory authority and the remaining amount shall be refunded to the promoter within thirty days from the date of such withdrawal.

4. Additional disclosure by promoters of ongoing projects.- (1) Upon the notification for commencement of sub-section (1) of section 3, promoters of all ongoing projects which have not received completion certificate shall, within the time specified in the said sub-section, make an application to the Regulatory Authority in the form and manner as specified in rule 3.

Explanation: For the purpose of this rule "Ongoing project" means a project where development is going on and for which completion certificate has not been issued but excludes such projects which fulfill any of the following criteria on the date of notification of these rules, namely:-

(i) in respect of layouts where the streets and civic amenities sites and other services have been handed over to the Local Authority and Planning Authority for maintenance;

(ii) in respect of apartments where common areas and facilities have been handed over to the registered Association consisting of majority of allottees;

(iii) where all development works have been completed as per the Act and certified by the competent agency and sale/lease deeds of sixty percent of the apartments/houses/plots have been registered and executed;

(iv) where all development works have been completed as per the Act and certified by the competent agency and application has been filed with the competent authority for issue of completion certificate /occupation certificate; and

(v) where Partial occupancy certificate is obtained to the extent of the portion for which the partial Occupancy Certificate is obtained.

(2) The promoter shall in addition to disclosures provided in rule 3 disclose the following information, namely:-

(a) the original sanctioned plan, layout plan and specifications and the subsequent modifications carried out, if any, including the existing sanctioned plan, layout plan and specifications;

Explanation:- For the purpose of clause (ii) of sub-section (2) of section 14 of the Act, the Prior written consent of at least two third of the allottees would not be required if,-

(i) implementation of the proposed plan has already been disclosed to the allottees under the agreement prior to registration, or

(ii) modification is required to be made in compliance of any order or direction issued by competent authority or statutory authority. under the agreement for sale, the promoter is not required to obtain the consent of allottee in case of any alteration or addition to the apartment required by Government authorities or due to change in any law.

(b) the total amount of money collected from the allottees and the total amount of money used for development of the project including the total amount of balance money lying with the promoter; and

(c) status of the project (extent of development carried out till date and the extent of development pending) including the original time period disclosed to the allottee for completion of the project at the time of sale including the delay and the time period within which he undertakes to complete the pending project, which shall be commensurate with the extent of development already completed, and this information shall be certified by an engineer, an architect and a chartered accountant in practice.

(3) The promoter shall disclose the size of the apartment based on carpet area even if earlier sold on any other basis such as super area, super built up area, built up area etc. which shall not affect the validity of the agreement entered into between the promoter and the allottee to that extent.

(4) In case of plotted development, the promoter shall disclose the area of the plot being sold to the allottees as per the layout plan.

(5) For projects that are ongoing and have not received completion certificate on the date of commencement of the Act, the promoter shall, within a period of three months of the application for registration of the project with the Authority, deposit in the separate bank account, seventy per cent. of the amounts already realized from the allottees, which have not been utilized for construction of the project or the land cost for the project as required under sub-clause (D) of clause (l) of sub-section (2) of section 4, which shall be used for the purposes specified therein:

Provided that if the receivable of the ongoing project is less than the estimated cost of balance construction, then the promoter shall deposit 100 per cent of the amounts to be realised in the separate account.

5. Withdrawal of sums deposited in separate bank account.- (1) For the purpose of sub-clause (D) of clause (l) of sub section (2) of section 4 of the Act, the land cost means,-

(i) the costs incurred by the promoter for acquisition of ownership and title of the land parcels for the real estate project as an outright purchase lease etc., or the Guidance Value in accordance with section 45-B of the Karnataka Stamp Act 1957 relevant on the date of registration of the real estate project whichever is higher;

(ii) amount paid for acquisition/ purchase of TDR etc.,

(iii) amount paid to the competent Authority for project approval, No objection certificates, stamps duty, transfer charges, registration charges, conversion charges, change, taxes, statuary payments to state and central Government.

(2) For the purpose of sub-clause(D) of Clause(l) of sub-section (2) of Section 4 of the Act, the "Cost of Construction" means,-

The cost of construction shall include all such costs, incurred by the promoter towards on-site and off-site expenditure for the development of the real estate project including payment of Taxes, Fees, charges, premiums, interests etc., to any competent Authority, or statutory Authority of the Central or State Government, including interest, paid or payable to any Financial Institutions including scheduled banks or non – banking financial companies etc.,

6. Grant or rejection of registration of the project.- (1) Upon the registration of a project as per section 5 read with rule 3, the Regulatory Authority shall issue a registration certificate with a registration number in Form-C to the promoter.

(2) In case of rejection of the application as per section 5, the Authority shall inform the applicant in Form 'D':

Provided that the Authority may grant an opportunity to the applicant to rectify the defects in the application within such time period as may be specified by it.

7. Extension of registration of project.- (1) The registration granted under the Act, may be extended by the Authority, on an application made by the promoter in Form 'E', in triplicate, until the application procedure is made web based, within three months prior to the expiry of the registration granted.

(2) The application for extension of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or Co-operative Bank through online payment mode, as the case may be, for an amount equivalent to half the registration fees as prescribed under sub-rule (3) of rule 3 along with an explanatory note setting out the reasons for delay in the completion of the project and the need for extension of registration for the project, along with documents supporting such reasons:

Provided that where the promoter applies for extension of registration of the project due to force majeure he shall not be liable to pay any fee.

(3) The extension of registration of the project shall not be beyond the period specified under concerned State Acts for completion of the project or phase thereof, as the case may be.

(4) In case of extension of registration, the Authority shall inform the promoter about such extension in Form 'F' and in case of rejection of the application for extension of registration the Authority shall inform the promoter about such rejection in Form 'D':

Provided that the Authority may grant an opportunity to the promoter to rectify the defects in the application within such time period as may be specified by it.

8. Revocation of registration of the project.- Upon the revocation of registration of a project under section 7 regulatory authority shall inform the promoter about such revocation in Form-'D'.

CHAPTER III
REAL ESTATE AGENT

9. Application for registration by the real estate agent.- (1) Every real estate agent required to register as per sub-section (2) of section 9 shall make an application in writing to the Regulatory Authority in Form-'G' along with the following documents, namely:-

(a) brief details of his enterprise including its name, registered address, type of enterprise, proprietorship, societies, co-operative society, partnership, companies etc;

(b) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;